

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,

Plaintiffs,

v.

SPOTIFY USA INC.; HARRY FOX
AGENCY, LLC,

Defendant.

Civil Case No. 19-CV-00736

Hon. Aleta A. Trauger

JURY DEMAND

SPOTIFY USA INC.,

Third-Party Plaintiff,

v.

KOBALT MUSIC PUBLISHING AMERICA,
INC.,

Third-Party Defendant.

**SPOTIFY USA INC.’S MOTION FOR A PROTECTIVE ORDER
BARRING THE DEPOSITION OF DANIEL EK**

Pursuant to Fed. R. Civ. P. 26, Defendant Spotify USA Inc. (“Spotify”) respectfully moves the Court for a protective order barring Plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC (together, “Eight Mile”) from deposing Daniel Ek, the Chairman and Chief Executive Officer of Spotify AB—Spotify’s corporate parent—and the President of Spotify USA Inc.

As set forth in the accompanying memorandum and supporting declarations and exhibits, Eight Mile has not, and cannot, establish any legitimate justification for Mr. Ek’s deposition because: (1) Mr. Ek lacks personal knowledge of the U.S. mechanical licensing-related issues

involved in this case; (2) whatever information that Eight Mile seeks is more readily available from other witnesses who either have been or could be deposed; and (3) nonetheless permitting Mr. Ek's deposition would result in annoyance, harassment, and undue burden and expense.

Pursuant to Local Rules 37.01(a) and 7.01(a)(1), the undersigned certifies that, prior to filing this motion, counsel for Spotify conferred in good faith with opposing counsel about the issues described in this motion and the accompanying memorandum. Counsel for Spotify understands that Eight Mile opposes this motion.

WHEREFORE, Spotify respectfully requests that the Court grant Spotify's motion for a protective order barring the deposition of Daniel Ek.

Dated: January 31, 2022

Respectfully Submitted,

By: /s/ Aubrey B. Harwell III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on January 31, 2022, with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. Parties may access this filing through the Court's electronic filing system.

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